

REMARKS

The Office Action of July 6, 2009 has been carefully considered.

Claims 5-12 have been rejected under 35 USC 112, 2nd paragraph.

The term "the liquid outlet" has now been defined in claims 5 and 9 as an element of the filter container.

Regarding the recitation of the level of the filter means, claims 5 and 9 have been amended to recite that the filter container receives oil from the crankcase *to a defined depth*. This can be seen clearly in Fig. 1 of the application, where oil is shown in the filter container at a specific depth.

Claims 5 and 9 also recite that the filter means extends to a height above the defined depth of the oil in the filter container, such that filter surface is available which is not contaminated by oil in the filter container. This can also be seen in Fig. 1, since filter 15 has surface which extends above the depth of the oil in the filter container; free and uncontaminated filter surface is therefore available.

Applicant submits that the terminology of claims 5 and 9 is now clear, and withdrawal of this rejection is requested.

Claims 5-12 have been rejected under 35 USC 103(a) over Shureb in view of Hendrichsen et al and Pearce et al.

Shureb discloses in Figure 6 a crankcase ventilation system with an air inlet and a number of baffles, the filter separating the air inlet from the air outlet. Applicant once again maintains that Shureb does not disclose a filter material extending from the upper portion to the lower portion of the filter case, with air passing transversely through the filter.

The only filter material shown by Shureb is filter material 162 in Fig. 6. Since Fig. 6 is a side view, air inlet

118 and air outlet 130 are at the top of the container, and liquid outlet 122 is at the bottom of the container. Filter material 162 extends upwardly from a point about halfway up the wall of the container to a point just below the air outlet. The filter material 162 does not constitute a "wall or cylinder of fibrous material running between upper and lower ends of the filter container," since the filter material 162 does not extend to the lower end of the container.

While it can be seen from Fig. 6 that elements 158 do extend to the bottom of the container, these elements 158 are baffles, and not filters. Hence, no filters extend to the bottom of the container in Shureb.

Hendrichsen et al and Pearce et al have been cited to show filter materials only, and also do not suggest any filter structure in which the filter material extends from the bottom to the top of the container.

In the operation of the claimed filter, the pressure in the inlet chamber is high, with the pressure at the air outlet much lower, such that the air is forced through the filter material. While droplets and particulates do get caught in the filter they are not absorbed in the filter material and the heavy oil droplets and particulates will fall downward and be removed through the liquid outlet. This operation is advantageous in that it cleans the particulates from the filter, which are collected in the oil and are removed through the outlet. It is a particular advantage that the filter material of the invention extends down to the lower end of the filter chamber, thus assisting oil in being removed from the chamber.

It is further noted that a traditional filter material for use in such filters would be made of textile, paper or a similar material, as opposed to a fiber mat, and would absorb the oil and the particulates from the air when air is passing

through the filter. This would hamper removal of the oil and particles from the container, whereas the filter material of the claimed invention does not absorb the oil or particles, and permits them to be removed.

While Shureb does disclose that the filter provides further opportunity for remaining oil particles to condense or hit the filter and drop back onto the floor surface, the apparatus of Shureb does not provide the advantages of the claimed invention in which the filter extends to the lower end of the filter chamber.

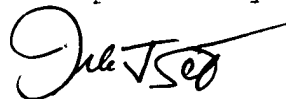
Finally, it is noted that the structure of the invention enables the liquid outlet to be disposed on either side of the filter material. New claims 15-18 recite the liquid outlet in the outlet chamber, an embodiment shown in Fig. 2 of the application.

According to Shureb, the liquid outlet is only in the inlet chamber, and cannot be disposed in the outlet chamber, as the outlet chamber is only in the very upper portion of the filter case.

Withdrawal of this rejection is requested.

In view of the foregoing amendments and remarks, Applicant submits that the present application is now in condition for allowance. An early allowance of the application with amended claims is earnestly solicited.

Respectfully submitted,



Ira J. Schultz
Registration No. 28666
Attorney for Applicant
(703)837-9600, ext. 23

Dennison, Schultz & MacDonald
1727 King St., Suite 105
Alexandria, VA 22314